



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,712	01/22/2007	Jean-Michel Cazenave	Serie 6353	7930
40582	7590	12/10/2009		
AIR LIQUIDE Intellectual Property 2700 POST OAK BOULEVARD, SUITE 1800 HOUSTON, TX 77056			EXAMINER SPORER, ERIC NOLAN	
			ART UNIT 3753	PAPER NUMBER
			MAIL DATE 12/10/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/565,712	Applicant(s) CAZENAVE ET AL.
Examiner ERIC SPORER	Art Unit 3753

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 November 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: The limitation of the pressure regulator being upstream the second pressure sensor raises new issue which would require further consideration and search. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Robin O. Evans/
Supervisory Patent Examiner, Art Unit 3753

/ERIC SPORER/
Examiner, Art Unit 3753

Continuation of 11. does NOT place the application in condition for allowance because: Regarding applicant's arguments that Beale does not disclose the measurement of cabin pressure, it is the examiner's position that applicant has not positively recited this limitation, but recited a pressure sensor adapted to measure a pressure in a cabin of the aircraft. It is the examiner's position that the pressure sensor disclosed by Beale is adapted to perform this function. Furthermore, the mask pressure is a pressure in a cabin of the aircraft. Regarding applicant's arguments that it would not have been obvious to arrange the second pressure in the line, instead of directly attached to the tank, it is the examiner's position that it is well known in the art to attach a pressure sensor to a line instead of integrally to a tank, for the purpose of providing a single pressure sensor that can be used with multiple supplies. Should the tank need to be replaced, the sensor can stay in the installation and then be further used with replacement supplies. There is no criticality in the Beale invention that the pressure transducer be located directly attached to the tank, instead of in the line between the oxygen supply in the valve. As noted by the examiner, there would be advantages to placing the pressure transducer in the line attaching the oxygen supply and the valve, such as accounting for line losses in the control scheme, and allowing the tank to be replaced easily without needing to replace the pressure transducer. Furthermore, applicant has not specifically pointed out how moving the pressure sensor from the tank to the line connecting the tank and the valve would destroy the operation of the scheme, and has merely asserted the statement. Furthermore, any pressure transducer is useable with multiple pressure supplies unless it is integrally built into a tank. Regarding applicant's arguments that rearranging pressure transducer 78 from the oxygen supply 74 to the line connecting oxygen supply 74 and oxygen valve 60 would change the function of the control scheme, it is the examiner's position that since there are no devices between tank 74 and valve 60, moving the transducer to the line would produce no significant change in function, and would only serve to better compensate for line losses in the device and physically decouple the pressure transducer from the oxygen supply.